

REMARKS/ARGUMENTS

The rejection presented in the Office Action dated April 4, 2008, (hereinafter Office Action) has been considered but is believed to be improper. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Applicant respectfully traverses the § 103(a) rejection based upon the teachings of U.S. Publication No. 2002/0019825 by Smiga *et al.* (hereinafter “Smiga”) as combined with those of U.S. Publication No. 2004/0178022 by Anderson *et al.* (hereinafter “Anderson”) because the asserted references alone, or in combination, do not teach or suggest each of the claimed limitations. For example, neither of the asserted references teaches or suggests a portable data processor that determines context information associated with a location of the portable data processor in a radio system. Contrary to the assertion at page three of the Office Action, none of the asserted portions of Smiga teaches determining context information associated with a location of a portable data processor as none of the cited paragraphs mention the location of a portable device. Also, the fact that Smiga’s system may receive information to support user-defined types of information fails to teach or suggest determining context information associated with a location of a portable device. Notably, paragraph [0194] indicates that a GPS location is a user-defined type of information which would also fail to correspond to the claimed processor-determined context information. In an effort to overcome the deficiencies in the teachings of Smiga, the teachings of Anderson are relied upon. However, this reliance is misplaced.

Anderson also fails to teach a portable data processor that determines context information associated with a location of the portable data processor in a radio system. While Anderson’s automated assistant 100 may use a communications provider to identify a user’s whereabouts, the user’s whereabouts are not the location of the automated assistant 100. Rather, the process involves using a user’s cell phone, pager, or other device. As the claim requires that the device that determines the context information associated with a location is the device at that location in the radio system, Anderson’s automated assistant 100 fails to correspond to the claimed limitations. Without a presentation of correspondence in the asserted teachings to each of the claimed limitations, the § 103(a) rejection is improper.

In order to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); and moreover, “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). *See, e.g.*, MPEP § 2143.03. The Examiner appears to have ignored certain claim limitations such as those directed to a portable data processor that determines context information associated with a location of the portable data processor in a radio system, which are not taught by either of the cited references. For example, Smiga does not teach determining context information associated with a location of a data processor, and Anderson’s determination of a location or information is performed by a second device. Since neither of the asserted references teaches at least these limitations, any combination of Smiga and Anderson must also fail to teach such limitations thereby rendering the rejection improper. Applicant accordingly requests that the rejection be withdrawn.

In addition, the asserted teachings of Anderson do not correspond to the claimed carrying out of a reminder in the user interface concerning a stored association associated with the determined location. As explained above, the device providing the asserted reminder is automated assistant 100; however, the reminder is provided in a user interface of another device such as a user’s cell phone, pager, or home phone (*see, e.g.*, paragraph [0048]). The general reference to PDAs providing reminders in paragraph [0003] fails to provide correspondence to carrying out the claimed reminder which concerns a stored association associated with a determined location. As Smiga admittedly fails to teach carrying out a reminder concerning a stored association associated with a determined location, and the asserted teachings of Anderson also fail to correspond to such claim limitations, any combination thereof must also fail to teach or suggest each of the claimed limitations. Applicant accordingly requests that the rejection be withdrawn.

Dependent Claims 2-11, 13-19, 21-30, and 32-38 depend from independent Claims 1 and 20, respectively. Each of these dependent claims also stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the above-discussed combination of Smiga and Anderson. While Applicant does not acquiesce to any particular rejections to these dependent claims, including any assertions concerning descriptive material, obvious design choice and/or what

may be otherwise well-known in the art, these rejections are moot in view of the remarks made in connection with the independent claims above. These dependent claims include all of the limitations of their respective base claims and any intervening claims and recite additional features which further distinguish these claims from the cited references. "If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious." MPEP § 2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent Claims 2-11, 13-19, 21-30, and 32-38 are also patentable over the asserted combination of Smiga and Anderson.

It should also be noted that Applicant does not acquiesce to the Examiner's statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Authorization is given to charge Deposit Account No. 50-3581 (NKO.008.US) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the Examiner is invited to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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